



Agenda Date: 9/24/03
Agenda Item: IIIA

STATE OF NEW JERSEY
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
www.bpu.state.nj.us

CABLE TELEVISION

IN THE MATTER OF THE PETITION OF COMCAST)	<u>RENEWAL</u>
CABLEVISION OF THE MEADOWLANDS, LLC)	<u>CERTIFICATE OF APPROVAL</u>
FOR A RENEWAL CERTIFICATE OF APPROVAL)	
TO CONTINUE TO CONSTRUCT, OPERATE AND)	
MAINTAIN A CABLE TELEVISION SYSTEM IN AND)	
FOR THE TOWN OF KEARNY, COUNTY OF)	
HUDSON, STATE OF NEW JERSEY)	DOCKET NO. CE03070544

Service List Attached

BY THE BOARD:

On May 25 1978, the Board granted Meadowlands Communications System, Inc. ("Meadowlands") a Certificate of Approval in Docket No. 767C-6189, for the construction, operation and maintenance of a cable television system in the Town of Kearny ("Town"). On November 28, 1979, the Board approved the transfer of the Certificate of Approval from Meadowlands to Comcast Cablevision Corporation ("Comcast"). Subsequently, Comcast was known as Comcast Cablevision of the Meadowlands, Inc. ("Comcast Meadowlands"). On August 3, 1994, the Board approved the automatic renewal of Comcast Meadowlands' Certificate of Approval in Docket No. CE93050149. On January 24, 2003, Comcast Meadowlands notified the Board that it would now operate as a limited liability company, Comcast Cablevision of the Meadowlands, LLC ("Petitioner"). Although the Petitioner's above referenced Certificate expired on May 25, 2003, it is authorized to continue to provide cable television service to the Town pursuant to N.J.S.A. 48:5A-25, pending disposition of proceedings regarding the renewal of its Certificate of Approval.

The Petitioner filed an application for the renewal of its municipal consent with the Town on August 23, 2002, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13. The Town, after public hearing, adopted an ordinance granting renewal municipal consent to the Petitioner on June 10, 2003. The Petitioner formally accepted the terms and conditions of the ordinance on June 19, 2003, in accordance with N.J.S.A. 48:5A-24.

On July 15, 2003, pursuant to N.J.S.A. 48:5A-16, the Petitioner filed with the Board for a renewal of its Certificate of Approval for the Town. The Board has reviewed the application for municipal consent, the petition for a Renewal Certificate of Approval and the municipal consent ordinance. Based upon this review and the recommendation of the Office of Cable Television, the Board HEREBY FINDS the following:

1. The Petitioner possesses the requisite legal, character, financial and technical qualifications for the awarding of a Renewal Certificate of Approval. Further, the Town reviewed these qualifications in conjunction with the municipal consent process.
2. The design and technical specifications of the system will ensure that the Petitioner provides safe, adequate and proper service.
3. The Petitioner has represented that all previously required construction within the franchise territory is complete.
4. The franchise period as stated in the ordinance is ten years. The Board finds this period to be of reasonable duration.
5. The Town may review the performance of the Petitioner with regard to the ordinance. If the Town determines that the Petitioner has failed to substantially comply with the material terms and conditions of the ordinance, it must provide written notice and opportunity to cure to the Petitioner within 90 days. If, after such reasonable notice and opportunity to cure, the Petitioner still has not cured any such findings of non-compliance, the Town may petition the Board for appropriate administrative action.
6. The Petitioner's rates shall be regulated and tariffs shall be filed for all services, in accordance with the rules and regulations of the Federal Communications Commission, the Board and the Office of Cable Television. The Petitioner shall maintain informational tariffs for unregulated service rates and promptly file any revisions thereto.
7. Pursuant to statutory requirements, the ordinance specifies a complaint officer to receive and act upon complaints filed by subscribers in the Town. In this case, it is the Office of Cable Television. All complaints shall be received and processed in accordance with the applicable rules.
8. The Petitioner shall maintain a local business office for the purpose of receiving, investigating and resolving complaints. Currently, the local business office serving this provision is located at 171 River Road in North Arlington, New Jersey.
9. The franchise fee to be paid to the Town is specified to be 2% of the Petitioner's gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception service in the Town. Additional regulatory fees shall be paid to the State in an amount not to exceed 2% of Petitioner's gross operating revenues derived from intrastate operations. The Board finds these fees to be reasonable.

10. The Petitioner shall provide service along any public right-of-way to any person's residence or business located in all areas of the franchise territory at tariffed rates for standard and non-standard installation. In all other circumstances, the Petitioner shall utilize the line extension policy ("LEP") attached to the Certificate. The minimum homes per mile figure is 35.
11. The Petitioner has agreed to provide public, educational and governmental ("PEG") access channels, facilities and support personnel in accordance with its application and the Town's ordinance.
12. The Petitioner shall continue to provide residents with system-wide public access opportunities on a channel maintained by the Petitioner. Qualified individuals and organizations may utilize public access for the purpose of cablecasting non-commercial PEG access programming.
13. The Petitioner shall provide the Town a capital contribution in the amount of \$65,000.00 for support of PEG access channels and other cable related needs. The Town shall allocate the grant in such manner as the Town determines is in the public interest.
14. The Petitioner shall provide to the Senior Center in the Town a one-time grant in the amount of \$1,500.00 for its cable related needs.
15. The Petitioner shall continue to provide basic cable television service of one outlet, free of charge, to: a) each public and private elementary and secondary school, b) the municipal building; c) the fire house; d) first aid squad; e) library; and f) public works building in the Town, provided that the facility is within 200' of active cable distribution plant.
16. Upon reasonable written request of the Town, the Petitioner shall appear at least once annually at a public meeting of the Town Council or the Town's cable television advisory committee to discuss matters pertaining to the provision of cable service to residents of the Town and other related issues as the Town and the Petitioner may see fit.

Based upon these findings, the Board **HEREBY CONCLUDES**, pursuant to N.J.S.A. 48:5A-17(a) and 28(c), the Petitioner has the municipal consent necessary to support the petition, that such consent and issuance thereof are in conformity with the requirements of N.J.S.A. 48:5A-1 et seq., that the Petitioner has complied or is ready, willing and able to comply with all applicable rules and regulations imposed by or pursuant to State or federal law as preconditions for engaging in the proposed cable television operations, that the Petitioner has sufficient financial and technical capacity, meets the legal, character and other qualifications necessary to construct, maintain and operate the necessary installations, lines and equipment, and is capable of providing the proposed service in a safe, adequate and proper manner.

Therefore, the Petitioner is **HEREBY ISSUED** this Renewal Certificate of Approval as evidence of Petitioner's authority to construct and operate a cable television system within the entirety of the Town.

This Renewal Certificate is subject to all applicable State and federal laws, the rules and regulations of the Office of Cable Television, and any such lawful terms, conditions and limitations as currently exist or may hereafter be attached to the exercise of the privileges granted herein. The Petitioner shall adhere to the standards set forth by the Federal Communications Commission's rules and regulations, 47 C.F.R. §76.1 et seq., including but not limited to, the technical standards 47 C.F.R. §76.601 through §76.630. Any modifications to the provisions thereof shall be incorporated into this Certificate.

Failure to comply with all applicable laws, rules, regulations and orders of the Board or Office of Cable Television and/or the terms, conditions and limitations set forth herein may constitute sufficient grounds for the suspension or revocation of this Certificate.

This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

This Certificate shall expire on May 25, 2013.

DATED: September 25, 2003

BOARD OF PUBLIC UTILITIES
BY:

(signed)

JEANNE M. FOX
PRESIDENT

(signed)

FREDERICK F. BUTLER
COMMISSIONER

(signed)

CAROL J. MURPHY
COMMISSIONER

(signed)

CONNIE O. HUGHES
COMMISSIONER

(signed)

JACK ALTER
COMMISSIONER

ATTEST:

(signed)

KRISTI IZZO
SECRETARY

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